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Held at Headquarters, New York, on Wednesday, 22 November 2006, at 3 p.m.

Chairman: Mr. Al Bayati ..... (Iraq)

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The meeting was called to order at 3.15 p.m.

Agenda item 63: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/61/L.12)

Draft resolution A/C.3/61/L.12: The situation of the Lebanese children

1. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the Non-Aligned Movement (NAM), said that NAM was prepared to withdraw draft resolution A/C.3/61/L.12 as many of its elements were contained in resolution A/C.3/61/L.13/Rev.1 on the human rights situation arising from the recent Israeli military operations in Lebanon, which the Committee had adopted at its previous meeting (A/C.3/61/SR.51).

2. *Draft resolution A/C.3/61/L.12 was withdrawn.*

Agenda item 67: Promotion and protection of human rights (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/61/L.56, A/C.3/61/L.38/Rev.1, A/C.3/61/L.40, L.42 and L.43)

Draft resolution A/C.3/61/L.38/Rev.1: Situation of human rights in Myanmar

3. **The Chairman**, drawing attention to draft resolution A/C.3/61/L.38/Rev.1 and to the related statement of programme budget implications contained in document A/C.3/61/L.56, invited the Committee to take action on the draft resolution.

4. **Mr. Amorós Núñez** (Cuba) said that his delegation wished to make a general statement on the draft resolution.

5. **Mr. Wood** (United Kingdom), speaking on a point of order, said that other delegations, including Cuba, had already made general statements on agenda item 67 (c) and that, pursuant to rule 115 of the rules of procedure of the General Assembly, the list of speakers on the item had already been closed. The rules of procedure did not allow for the list of speakers to be reopened, and it was not the practice of the Committee to reopen discussion of an agenda item before action was taken. It was unacceptable to make a general statement at the current stage, for clear reasons of procedure, practice and good order. The Committee should therefore resume its normal practice of giving the floor directly to the main sponsor of the draft resolution.

6. **The Chairman** said that, according to the practice of the Committee, once consideration of an agenda item had been opened, any delegation could make a general statement. Cuba was therefore entitled to take the floor.

7. **Mr. Amorós Núñez** (Cuba), speaking on behalf of the Non-Aligned Movement (NAM), said that at the Fourteenth Summit Conference of Heads of State or Government of the Non-Aligned Movement, held in Havana in September 2006, participants had agreed that the exploitation of human rights for political purposes, including the selective targeting of individual countries for extraneous considerations, should be prohibited. They had also declared their opposition to selectivity and double standards in the promotion and protection of human rights and to any attempt to exploit human rights for political purposes. Cuba urged all NAM countries to adhere to those principles when voting on country-specific resolutions.

8. **Mr. Swe** (Myanmar), speaking on a point of order, said that draft resolution A/C.3/61/L.38/Rev.1 was highly politicized and country-specific, and had no place in the Committee's work. Therefore, in accordance with rule 116 of the rules of procedure and with the principles adopted by the Heads of State or Government of the Non-Aligned Movement at their Fourteenth Summit Conference, his delegation moved the adjournment of the debate on the draft resolution.

9. **Ms. Blitt** (Canada), speaking on a point of order, said that her delegation had asked for the floor during the statement made by the representative of Cuba, as it had also wished to make a general statement under agenda item 67 (c), in accordance with the Chairman's ruling that any delegation could make a general statement, once consideration of an agenda item had been opened.

10. **Mr. Khane** (Secretary of the Committee) noted that the representative of Myanmar had spoken on a point of order to call for the adjournment of the debate. In the absence of a procedural motion or countermotion, the motion of adjournment must be put to a vote before any other delegation could address the Committee.

11. **Mr. Wood** (United Kingdom), speaking on a point of order, said that, like the representative of Cuba, the representative of Canada had been trying to make a general statement on the item before the Committee. Either the Committee was at the point of discussing the draft resolution, in which case the delegation of Cuba should not have been given the floor to make a general statement, or it was not at that stage, in which case Cuba's statement was perfectly valid and Canada should also be permitted to make a statement.

12. **Mr. Amorós Núñez** (Cuba), speaking on a point of order, said it was his understanding that when his delegation had been given the floor, only the representative of the United Kingdom had raised a point of order. The fact that his delegation had made a general statement did not, therefore, appear to violate the rules of procedure.

13. **The Chairman** invited two representatives to speak in favour of, and two against, the motion, before putting it to the vote, in accordance with rule 116.

14. **Mr. Liu** Zhenmin (China) said that the establishment of the Human Rights Council had been a significant step in the process of reforming the human rights mechanism of the United Nations. The purposes of its establishment had been to free the international human rights field from political confrontation and to promote genuine cooperation and dialogue in the field. The Committee should therefore have moved with the times in its own discussion of human rights issues.

15. The draft resolution before the Committee smacked of double standards. It would lead to political confrontation and would not help protect human rights in Myanmar. Differences in the human rights field should be resolved through dialogue and cooperation, based on equality and mutual respect. His delegation was opposed to the practice of using human rights issues to exert political pressure on developing countries and therefore supported the motion for the adjournment of the debate.

16. **Mr. Amorós Núñez** (Cuba) said that politicization did nothing to advance genuine cooperation in the human rights field. In view of the weaknesses of the draft resolution and the blatant attempts made to manipulate the debate, his delegation also supported the motion for the adjournment of the debate.

17. **Ms. Juul** (Norway) said that her delegation deeply regretted that the motion of adjournment had been moved. Firstly, her delegation opposed such motions as a matter of principle. Secondly, the United Nations should remain a forum for addressing serious human rights situations. Criticism should be supplemented by dialogue, and it should also be accompanied by the recognition that conditions and capacities differed from country to country. However, dialogue should not preclude necessary criticism, and the Committee should never refrain from addressing serious human rights problems whenever and wherever they occurred. Lastly, if the Committee were to adopt the motion of adjournment, it would effectively be turning a blind eye to human rights violations. Norway therefore opposed the motion, and urged all other delegations to do likewise.

18. **Ms. Hill** (New Zealand) said that the General Assembly had a mandate to consider human rights situations. Member States had adopted resolutions expressing their collective concern about some of the worst human rights situations for more than 30 years. In many cases the resulting international attention had helped increase pressure on States that had since turned into strong promoters of human rights. New Zealand was committed to dialogue and cooperation in situations in which there was evidence of serious human rights violations. Draft resolutions should be adopted only following negotiations with the country concerned and with the broadest possible consensus. That had always been the case with the resolution on Myanmar, where there continued to be very serious concerns about the human rights situation. Those concerns were addressed in the draft resolution and must be dealt with by the Committee. Her delegation would therefore vote against the motion of adjournment and hoped that all other delegations would do the same.

19. *A recorded vote was taken on the motion for the adjournment of the debate on draft resolution A/C.3/61/L.38/Rev.1.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Burkina Faso, Cambodia, Cameroon, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Gabon, Gambia, Guinea,

Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Ukraine, United States of America, Uruguay.

Abstaining:

Benin, Bolivia, Brazil, Cape Verde, Colombia, Côte d'Ivoire, Djibouti, Ethiopia, Fiji, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Papua New Guinea, Qatar, Senegal, Togo, Trinidad and Tobago, Turkmenistan, Uganda, United Republic of Tanzania.

20. *The motion for the adjournment of the debate on draft resolution A/C.3/61/L.38/Rev.1 was rejected by 77 to 64, with 30 abstentions.*

21. **Ms. Lintonen** (Finland), speaking on behalf of the European Union and the other sponsors, introduced draft resolution A/C.3/61/L.38/Rev.1. The European Union had been closely engaged in bilateral consultations with the delegation of Myanmar and had also organized consultations with other interested delegations, in particular with delegations of member States of the Association of Southeast Asian Nations (ASEAN). The sponsors of the draft resolution had been hoping that the recent visit to Myanmar of the Special Rapporteur on the situation of human rights in Myanmar would provide the impetus for further positive elements for the draft resolution. Myanmar's decision to break off negotiations had therefore been surprising and disappointing.

22. In the 14 years since United Nations special rapporteurs had begun to report on the situation in Myanmar, there had been no substantive improvements in the areas of fundamental concern to the international community. Impunity continued to prevail for serious human rights violations. Moreover, developments during the course of 2006 had given even more cause for alarm. It was incumbent on the General Assembly to call for an immediate end to the targeting of civilians in the ethnic areas of the country.

23. The draft resolution was not simply an exercise for expressing the international community's concerns. It was a very important tool for assisting Myanmar to address the human rights violations mentioned in the text and to achieve a conclusive restoration of democracy, as well as to build the foundations for sustainable development and national reconciliation. In that regard, engagement with the United Nations, particularly through the Secretary-General's good offices and through cooperation with the Special Rapporteur, would be crucial for Myanmar. It was essential to adopt the draft resolution as a step in that direction, and her delegation urged the Committee to adopt it without a vote.

24. **Mr. Swe** (Myanmar) said that the European Union had once again put forward a highly politicized, country-specific draft resolution on Myanmar under the pretext of promoting human rights. The introduction of draft resolutions on Myanmar had become a yearly ritual which in no way protected human rights because to do so was never the real intention of their sponsors. The real intention was to manipulate Myanmar's own political process and derail the seven-step political road map that it had set for itself in order to make a successful transition to a democratic society.

25. The draft resolution was full of unfounded allegations by exiles and remnants of the insurgency, who were waging a systematic disinformation campaign aided and funded by powerful western countries. It was entirely unacceptable to Myanmar because it interfered in matters that, in accordance with the Charter of the United Nations, fell under the sovereign domain of Myanmar. It championed the encroachment of the Security Council upon the powers and functions of the General Assembly by welcoming the Council's involvement in Myanmar, a peaceful country which was not a threat to regional or international peace and security, as attested to by all its neighbours.

26. The draft resolution also went against the principled position taken by NAM that Myanmar was not a threat to international peace and security. The promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings. Such a goal could be achieved through a universal periodic review based on objective and reliable information. The recently established Human Rights Council was the logical and proper forum for considering human rights issues, and the Committee should avoid duplicating its work. Myanmar was doing everything possible to improve its human rights situation and would continue to do so. The Special Rapporteur on the situation of human rights in Myanmar had described his recent visit in May as a success, and another successful visit had taken place in November 2006. His delegation was therefore compelled to challenge the draft resolution, which would not only infringe upon Myanmar's national sovereignty, but would also set a dangerous precedent for all developing countries. It therefore called for a recorded vote and urged all developing countries to vote against the draft resolution.

27. **The Chairman** said that a recorded vote would be taken on draft resolution A/C.3/61/L.38/Rev.1.

28. **Mr. Manis** (Sudan), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution. If its sponsors were truly in favour of human rights they could have tabled draft resolutions on a number of other important human rights issues, such as the human rights situation of detainees held at the United States naval base at Guantánamo Bay, Cuba; or the human rights violations perpetrated by the United States in Abu Ghraib prison, Iraq, or in secret detention centres in Europe.

29. **Ms. Escobar** (Bolivarian Republic of Venezuela) said that her delegation wished to reiterate its opposition to resolutions in the field of human rights that were country-specific, highly politicized and selective, in violation of the principles of the Charter of the United Nations on the sovereignty of States and non-interference in their internal affairs. It was a matter of profound concern that the Committee continued to address human rights issues in that manner. Progress in the promotion and protection of all human rights would be achieved, not through selective acts of condemnation, but through cooperation and frank and open dialogue. Her delegation would therefore vote against the draft resolution.

30. **Mr. Vohidov** (Uzbekistan) said that his delegation fully aligned itself with the statements made by China and Cuba regarding the practice of introducing country-specific resolutions into the Committee's debates, particularly as the procedures of the recently established Human Rights Council had not yet been fully determined. The sponsors of the draft resolution had defined the text as a form of dialogue that contained a certain amount of criticism. If that were really the case, his delegation would have no problem with it. And yet, only one page of the text addressed Myanmar's successes. It did not reflect the reality of the situation and did not facilitate dialogue.

31. **Ms. Gendi** (Egypt) said that her delegation wished to reiterate its opposition to country-specific resolutions, which served only to support the concepts of selectivity and the politicization of human rights issues and were based on double standards. Such resolutions did not provide an opportunity to deal with human rights problems in an appropriate and objective manner within a framework of international cooperation that would help States to develop their capacities and improve the situation of human rights in their countries.

32. Moreover, the practice of introducing such resolutions unilaterally, without debate in the General Assembly, was fully contrary to efforts to strengthen international cooperation in dealing with human rights issues multilaterally. Those issues should be dealt with in accordance with the periodic review mechanism in the appropriate forum, which was the Human Rights

Council. The fact that certain countries tabled such resolutions every year while voting against resolutions that addressed blatant human rights violations in the Palestinian territories and Lebanon suggested the imposition of certain cultural patterns as the basis for judging human rights issues. Egypt would therefore vote against the draft resolution.

33. **Mr. Rachkov** (Belarus) said that his delegation would vote against draft resolution A/C.3/L.38/Rev.1. The latest country resolution did not contribute to dialogue on human rights. It subverted the goals of objectivity and non-selectivity and ran counter to an earlier decision to implement systematic, unified criteria to examine human rights situations in all United Nations Member States. The country approach singled out developing countries.

34. **Mr. Anshor** (Indonesia) said that while his country shared the concerns set forth in L.38/Rev.1 regarding human rights issues in Myanmar, it was regrettable that the Third Committee had to deal once again with country-specific resolutions. The United Nations must find a more constructive way of dealing with human rights issues. Indonesia stood ready to help Myanmar resolve its human rights issues both bilaterally and through the Association of Southeast Asian Nations and would vote against the draft resolution.

35. *A recorded vote was taken on draft resolution A/C.3/61/L.38/Rev.1.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Guinea, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Pakistan, Russian Federation, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Colombia, Costa Rica, Côte d'Ivoire, Djibouti, Eritrea, Ethiopia, Fiji, Ghana, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mozambique, Namibia, Nepal, Niger, Nigeria, Papua New Guinea, Philippines, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

36. *Draft resolution A/C.3/61/L.38/Rev.1 was adopted by 79 votes to 28, with 63 abstentions.**

37. **Mr. Benmehidi** (Algeria) said that his delegation had voted against the draft resolution because country-specific resolutions led to a confrontational atmosphere and were damaging to human rights. Algeria would vote similarly on all country-specific resolutions. A Universal Periodic Review, which would lead to dialogue, was the appropriate method for improving country performance on human rights.

38. **Mr. Kodera** (Japan) said that it was regrettable that the Third Committee had had to resort to a recorded vote despite cooperative efforts by Myanmar and the sponsors of the draft resolution. The

* The delegation of Georgia subsequently informed the Committee that it had intended to vote in favour of the draft resolution.

international community should convey its message positively in order to achieve progress in democracy and human rights. While such resolutions needed to be balanced, categorical rejection of all country resolutions was not a solution. Japan had voted for the draft resolution because it contained a request to the Secretary-General to pursue discussions on human rights and democracy in Myanmar.

39. **Mr. Ballestero** (Costa Rica) said that his delegation had abstained from voting because the appropriate forum for such resolutions was the Human Rights Council. It was particularly unfortunate that it had not been possible to reach a consensus, which would have set an example of constructive dialogue in the field of human rights.

40. **Mr. Maia** (Brazil) said that his country had voted in favour of the draft resolution, although it favoured the universal review mechanism and regretted the discontinuation of the consensus. There had been positive developments in the human rights situation in Myanmar, such as the country visit by the Under-Secretary-General for Political Affairs and measures to halt the use of child soldiers. However, the fact that Myanmar was preventing the Special Rapporteur for human rights from making a visit was cause for concern.

41. **Mr. Kyaw Tint Swe** (Myanmar) said that the no-action motion preceding the vote on draft resolution A/C.3/61/L.38/Rev.1 indicated that the international community would no longer tolerate the politicization of human rights issues by means of country-specific resolutions. The message had been sent that human rights issues must be approached with respect for States' sovereignty and without interference in their internal affairs. It was revealing that, despite political pressure by powerful countries, the draft resolution had had the support of a mere 34 countries besides the sponsors. It was clear that developing countries were being targeted.

42. However, the vote was not a setback. Myanmar would proceed with its road map to democracy and would not be bound by the resolution.

43. **Mr. Ballestero** (Costa Rica) said his delegation wished to register its concern that article 109 of the rules of procedure had not been complied with. Speakers should have been called on in the order in which they had requested to speak, instead of which other delegations had been given precedence. Further, in accordance with rule 116, once the motion to adjourn had been rejected, the Committee should have returned to the point in the debate when that motion had first been moved. Instead, the draft resolution had been put to a vote, and delegations had not been given the opportunity to continue the debate. He hoped that would not happen in the future.

Draft resolution A/C.3/61/L.40: Situation of human rights in Belarus

44. **Mr. Khane** (Secretary of the Committee) said that Andorra, Croatia, Liechtenstein and the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution. As budgetary provisions for human rights had already been made, the draft resolution in question had no budget implications.

45. **Mr. Rogachev** (Russian Federation) said that the draft resolution was political and had been advanced without concern for human rights. The lack of clear criteria in the Third Committee for looking at country situations led to a selective approach which was counterproductive, given the development of the universal periodic review. His delegation therefore moved the adjournment of the debate on draft resolution A/C.3/61/L.40 and called for the support of all delegations.

46. **Mr. Liu** Zhenmin (China) and **Mr. Amorós Núñez** (Cuba) endorsed the proposal.

47. **Mr. Jokinen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries, Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Serbia; and in addition, Moldova and Ukraine, said that it was a matter of principle to vote against any motion to close the debate. Based on the gravity of the situation, the Third Committee must address the situation of human rights in Belarus, especially as previous resolutions and recommendations on the subject had been ignored. The motion to adjourn the debate, if successful, would prevent the Committee from considering the issues in the resolution, which would run contrary to the spirit of dialogue and undermine the credibility of the General Assembly.

48. **Mr. Miller** (United States) said that country-specific resolutions should be considered on their merits. To close the debate was an abdication of responsibility.

49. *A recorded vote was taken on the motion to adjourn the debate on draft resolution A/C.3/61/L.40.*

In favour:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Namibia, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Tunisia, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining:

Benin, Bosnia and Herzegovina, Brazil, Burundi, Cape Verde, Colombia, Congo, Côte d'Ivoire, Djibouti, Ghana, Guyana, Haiti, Jamaica, Jordan, Kenya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Nepal, Niger, Nigeria, Papua New Guinea, Rwanda, Solomon Islands, Trinidad and Tobago, Turkmenistan, Uganda, United Republic of Tanzania.

50. *The motion to adjourn the debate on draft resolution A/C.3/61/L.40 was rejected by 75 votes to 67, with 31 abstentions.*

51. **Mr. Miller** (United States) said that Andorra, Bulgaria, Croatia, Iceland, Liechtenstein and the former Yugoslav Republic of Macedonia had joined the sponsors.

52. In order to increase support for the draft resolution, the sponsors had agreed to the following changes: in the fifth line of paragraph 1 (b), the phrase "by allowing" had been deleted, and in the sixth line of paragraph 2 (a), the phrase "inter alia" had been inserted after the word "including".

53. There was deep concern regarding the deterioration of human rights in Belarus. The March 2006 presidential election had been severely flawed by the arbitrary use of State power against opposition candidates and a vote count lacking the minimum transparency. Opponents' access to State media had been restricted. Citizens, including civil society activists, had been subjected to harassment, detention and arrest. Non-governmental organizations, national minority organizations, independent media outlets and religious groups had been shut down. The number of arbitrary arrests had doubled from 500 before the election to 1,000 after the election.

54. **Mr. Dapkiunas** (Belarus) said that the Committee had missed yet another opportunity to show its opposition to divisive and politically biased initiatives. A minimum degree of trust and mutual respect was necessary for change in human rights practices to occur.

55. The world's mightiest power was appropriating the right to determine the only correct perspective on human rights and was picking and choosing victims indiscriminately from among sovereign States. It was imposing its views on other members of the international community by means of arm-twisting, thereby damaging the unique environment of the United Nations.

56. Some delegations were using the United Nations to express their discontent regarding bilateral relations with individual States, which was an abuse of United

Nations principles. Voting for draft resolution A/C.3/61/L.40 was tantamount to supporting gross human rights violations in Guantánamo, Abu Ghraib and Fallujah.

57. **The Chairman** announced that a recorded vote had been requested.

58. **Mr. Jokinen** (Finland), speaking on behalf of the European Union in explanation of vote before the voting, said that the human rights situation in Belarus was very grave. Belarus had made commitments under a number of international human rights instruments and should honour them.

59. Recent elections had fallen short of international standards. Intimidation of opposition candidates and groups had been systematic. Judicial proceedings all too often lacked the necessary elements of due process and were used for political intimidation. Human rights defenders, national minority organizations, independent media and religious organizations faced harassment on a regular basis. Senior Government officials who had been implicated in the enforced disappearance of political opponents enjoyed impunity.

60. Such concerns were not new and it was regrettable that the Government of Belarus had chosen to ignore earlier resolutions by international human rights bodies concerning widespread human rights violations. The European Union would be voting in favour of the draft resolution.

61. **Mr. Vohidov** (Uzbekistan) said that the draft resolution did not mention the reason for the closure of the European Humanities University. The European Union had, moreover, been wrong to state that Belarus did not cooperate with United Nations human rights bodies; the draft resolution itself referred only to the Government's "failure ... to cooperate fully with all the mechanisms of the Human Rights Council". As for the negative assessment of the recent election by the Organization for Security and Cooperation in Europe, that view had been contradicted by that of other regional institutions. The draft resolution was tendentious and his delegation would vote against it.

62. **Mr. Saeed** (Sudan) said that his delegation rejected the very principle of country-specific resolutions, which were vitiated by politicization, selectivity and double standards. Confronting and targeting specific countries had nothing to do with the noble aim of enhancing human rights, which should be achieved through dialogue, cooperation, technical assistance and capacity-building. The establishment of the Human Rights Council heralded a new era, in which human rights reports would be impartial and neutral. No country was in a position to point the finger at another. His delegation would vote against the draft resolution.

63. **Ms. Escobar-Gómez** (Bolivarian Republic of Venezuela) said that her delegation was opposed to country-specific human rights resolutions, which were highly political and selective and ran counter to the principles of sovereignty of States and non-interference in domestic affairs. For that reason, her delegation would vote against the draft resolution.

64. **Ms. Hastaie** (Islamic Republic of Iran) said that the draft resolution represented yet another example of political ends being sought by a few delegations under the guise of a concern for human rights. A confrontational attitude would not serve human rights, which should be advanced through dialogue and cooperation. Her delegation would vote against the draft resolution.

65. **Mr. Kyaw Tint Swe** (Myanmar) said that the draft resolution constituted another example of a misuse of the Third Committee to put pressure on an individual country for political purposes. His delegation was, in common with the Non-Aligned Movement as a whole, opposed to the targeting of individual countries, which contravened the Charter of the United Nations.

66. **Ms. Gendi** (Egypt) said that, regardless of the content of any given resolution, human rights should not be politicized. The cause was better served by engaging in international cooperation and capacity-building. Country-specific human rights resolutions should not, in any case, be tabled by delegations which failed to vote against flagrant human rights violations by Israel in the occupied Arab territories.

67. **Ms. Halabi** (Syrian Arab Republic) said that her delegation completely rejected the selective use of human rights as a pretext for interfering in the affairs of another country, in contravention of the Charter of the United Nations. Dialogue was preferable to confrontation.

68. *A recorded vote was taken on draft resolution A/C.3/61/L.40, as orally revised.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Palau, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Armenia, Bangladesh, Belarus, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Myanmar, Pakistan, Qatar, Russian Federation, South Africa, Sudan, Syrian Arab Republic, Tajikistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Congo, Costa Rica, Côte d'Ivoire, Djibouti, Ecuador, Eritrea, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Namibia, Nepal, Niger, Nigeria, Panama, Papua New Guinea, Philippines, Rwanda, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.

69. *Draft resolution A/C.3/61/L.40, as orally revised, was adopted by 70 votes to 31, with 67 abstentions.*

70. **Mr. Maia** (Brazil) said that his delegation was in favour of the implementation of the universal review mechanism proposed for the Human Rights Council, which would enable the United Nations to examine the human rights situation in all countries in a manner that was free of selectivity and politicization. Country-specific resolutions should be countenanced only in cases of great gravity. His delegation had therefore abstained in the vote on draft resolution A/C.3/61/L.40, since it recognized that some progress had been achieved in Belarus, such as the scheduling of local elections in January 2007, which, it trusted, would be conducted in accordance with international standards. His delegation was, however, concerned about the persistent complaints of the repression of political opposition and restrictions on freedom of speech and expression. It urged Belarus to engage more closely in dialogue and international cooperation in order to improve its human rights situation.

71. **Mr. Dapkiunas** (Belarus) expressed deep regret that the draft resolution had been adopted, despite the appeal by many countries for continued dialogue. He commended the courage of those — a majority of the Committee — who had not supported the draft resolution and hoped that members of the Non-Aligned Movement would be swayed by his delegation's argument in favour of the universality, objectivity and non-politicization of human rights, thus sending out the signal that the United Nations was, as it should be, a safe haven for all its members.

72. **Mr. Ballestero** (Costa Rica), after referring the Committee to his delegation's statement at the 48th meeting, said that human rights should be dealt with by the Security Council and the Human Rights Council rather than the Third Committee. Belarus should, however, understand the concerns of the international community. Closer cooperation and mutual respect were required for an improved human rights situation in that country.

Draft resolution A/C.3/61/L.42: Situation of democracy and human rights in the United States of America

73. **The Chairman** said that the draft resolution had no programme budget implications.

74. **Mr. Dapkiunas** (Belarus) said that the draft resolution sought to challenge idleness of mind,

hypocritical self-gratification and outright prejudice. His delegation was the only sponsor of the draft resolution, since it did not play the game of requesting support from other delegations. Nonetheless, it believed that victory was possible. In any case, the draft resolution was an honest and truthful document. He recognized that it would make many delegations uncomfortable, but ultimately it would be effective precisely because of the discomfort that it caused, like a bitter but life-saving medicine.

75. **Mr. Miller** (United States of America) said that his delegation did not take the draft resolution lightly, even though many of its assertions were inaccurate and exaggerated. Many of the issues were familiar, having been investigated by the press, debated in elections or under consideration by the courts. Its free press, robust political debate, free democratic elections and independent judiciary distinguished the United States from the sponsor of the draft resolution and other territories that were subjects of human rights resolutions.

76. The United States was not perfect. Its society was a work in progress, evolving as it sought to advance its freedom, security and prosperity. Every move the Government made was subject to checks and balances. Its processes were transparent to its citizens and to the world.

77. **Ms. Lintonen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and in addition, Iceland, Moldova, Norway and Ukraine, said, in explanation of vote before the voting, that the gravity of the human rights situation on the ground should determine whether the General Assembly should consider a draft resolution on a given country. The country's willingness and efforts to address certain issues and engage in constructive dialogue must also be taken into account. Belarus had fallen short on both counts. In response to a critical yet balanced text, Belarus had failed either to cooperate fully with the United Nations human rights machinery or to adhere to its international obligations. By contrast, the United States showed itself ready to listen to criticism from the United Nations treaty bodies and human rights mechanisms, as well as its own vibrant civil society. As was well known, the European Union had concerns about some of the issues covered by the draft resolution, and those concerns were regularly discussed by the two sides. It was obvious that the draft resolution was intended to divert attention from Belarus' own human rights record.

78. The European Union noted that Belarus had lent its name to another draft resolution that purported to advocate dialogue on human rights issues and was highly critical of country-specific resolutions. There was a glaring contradiction between the two draft resolutions. The European Union would vote against the draft resolution.

79. **Mr. Abdelaziz** (Egypt) said that his delegation maintained its position of opposing all country-specific resolutions. It would therefore vote against the draft resolution, although human rights violations were not restricted to the countries that were generally singled out for criticism. Regardless of the facts in any given case, the approach of the international community should be cooperation rather than confrontation. The only situation that warranted a rebuke in the form of a resolution was the continued human rights violations in the occupied Arab territories.

80. **Mr. Benmehidi** (Algeria) said that his delegation would vote against the draft resolution as it had voted against other country-specific resolutions. The atmosphere of confrontation created by such resolutions ran counter to the principle of human rights. His delegation favoured the universal review system under consideration by the Human Rights Council as the only appropriate machinery for investigating human rights in every country.

81. **Mr. Butagira** (Uganda) said that a delegation could not claim to oppose country-specific resolutions and then vote for the draft resolution before the Committee. His delegation would therefore vote against.

82. *A recorded vote was taken on draft resolution A/C.3/61/L.42.*

In favour:

Belarus, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Myanmar, Syrian Arab Republic.

Against:

Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belgium,

Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Belize, Benin, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, China, Congo, Costa Rica, Côte d'Ivoire, Eritrea, Ghana, Guinea-Bissau, Guyana, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mozambique, Namibia, Nepal, Niger, Papua New Guinea, Qatar, Russian Federation, Samoa, Saudi Arabia, Singapore, South Africa, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

83. *Draft resolution A/C.3/61/L.42 was rejected by 114 votes to 6, with 45 abstentions.*

84. **Mr. Chidyausiku** (Zimbabwe) said that his delegation had abstained, not because it had any difficulty with the content of the draft resolution, but because it opposed country-specific human rights resolutions on principle.

85. **Ms. Escobar** (Bolivarian Republic of Venezuela) said that her delegation was aware of the well-known human rights violations referred to in the draft resolution. Nevertheless, she had voted against it because of her delegation's consistent opposition to any initiative that selectively targeted individual countries.

86. **Mr. Liu** Zhenmin (China) said that differences on human rights issues should be resolved through dialogue and cooperation. His delegation was opposed, in principle, to any resolution that targeted specific countries, and he had therefore abstained from voting on draft resolution A/C.3/61/L.42.

87. **Mr. Maia** (Brazil) said that Brazil was in favour of implementing the universal periodic review mechanism, which would allow the United Nations to examine in a truly universal manner the human rights situation of all countries without selectivity or politicization. Country-specific resolutions should be adopted only in extremely serious cases. Brazil had voted against the draft resolution on the situation of human rights in the United States because it did not reflect in a balanced and comprehensive manner the general situation of human rights in that country. His delegation was concerned, however, about the complaints of abuses and human rights violations in the context of the fight against terrorism.

88. **Mr. Vohidov** (Uzbekistan) said that his delegation had voted against the draft resolution. That did not mean that Uzbekistan was indifferent to the human rights situations mentioned in the text; however, the draft resolution should first be submitted to the Human Rights Council.

89. **Mr. Ballestero** (Costa Rica) said that his delegation had abstained from voting on the draft resolution. The Third Committee was not the appropriate forum for considering country-specific resolutions. Draft resolution A/C.3/61/L.42, as well as all others on human rights issues, should be considered by the Human Rights Council. His delegation appealed to the United States to take firm steps to address the concerns raised in the draft resolution.

90. **Mr. Saeed** (Sudan) said that although his delegation supported the content of the draft resolution, it had abstained from voting because of its opposition to the practice of submitting country-specific resolutions. All countries, large and small, needed to review their achievements in regard to human rights

and to promote cooperation with international human rights mechanisms.

Draft resolution A/C.3/61/L.43: Situation of indigenous peoples and immigrants in Canada

91. **The Chairman** invited the Committee to consider the draft resolution contained in document A/C.3/61/L.43. He had been informed that the draft resolution had no programme budget implications.

92. **Ms. Hastaie** (Islamic Republic of Iran) said that her delegation had submitted the draft resolution on the situation of indigenous peoples and immigrants in Canada in the firm belief that the situation of aboriginals and immigrants in Canada merited the attention and action of the Committee. The draft resolution was intended to send a clear message to the Government of Canada regarding its human rights obligations and to draw the attention of the wider international community to the situation of minorities and disadvantaged people in the developed part of the world, especially in Canada. The Government of Canada had arrogated to itself a leading global role in human rights advocacy while certain parts of its own population suffered from human rights violations. Canada's human rights violations had been well documented by various human rights monitoring bodies, particularly the United Nations human rights mechanisms. In fact, the main content of the draft resolution had been borrowed from documents such as the report of the Human Rights Committee.

93. The promotion and protection of human rights could best be realized through cooperation and dialogue; however, the Government of Canada had declined to reply to her delegation's sincere call for dialogue. Her delegation had been left with no alternative but to express its concerns by means of the draft resolution that was now before the Committee, which provided an opportunity to find out whether the plight of certain disadvantaged groups in Canada would win the sympathy and concern of the so-called advocates of human rights. She was aware that many of her delegation's friends and partners held positions of principle regarding country-specific resolutions. She hoped that Committee members would seriously consider the human rights situation in Canada and vote in favour of the draft resolution.

94. **Mr. Bowman** (Canada) said that Canada had a long tradition of not only supporting but actively advancing the rights of indigenous peoples. Nevertheless, his Government recognized that there were human rights challenges that must be addressed, and it was committed to taking steps to meet those challenges. To that end, it engaged in open and frank discussions on human rights with an active civil society and with aboriginal and other communities. The Government was held accountable by the public, by a freely elected Parliament and by a free and independent media and judiciary. Canada was a party to all major human rights instruments. It cooperated fully with United Nations human rights mechanisms, was fully up to date on its reports to treaty bodies and had extended a standing invitation to all special rapporteurs of the Human Rights Council. Indeed, many special rapporteurs had visited and reported on Canada in recent years. The resolution that was before the Committee referred to those reports. Canada encouraged delegations to read the reports in full in order to get a comprehensive view of human rights in his country.

95. He invited delegations to address the draft resolution on its merits. In looking at the merits, it was important to consider the overall situation of human rights in Canada, including that of aboriginal people and immigrants; the fact that Canada acknowledged shortcomings and challenges; the Canadian Government's commitment and the concrete actions it had taken to make progress on human rights; the fact that the Government openly engaged with citizens, that human rights advocates could speak freely and that citizens could claim their rights through many avenues; and finally, its full cooperation with United Nations human rights mechanisms. For all those reasons, he invited delegations to vote against the draft resolution.

96. **Mr. Hill** (Australia), speaking on behalf of his own country and of New Zealand, said that the two delegations stood alongside Canada in its defence against the allegations contained in the draft resolution, allegations that the sponsor had not been prepared to support with evidence. Canada had every right to be proud of its human rights record.

97. **The Chairman** said that a recorded vote had been requested on the draft resolution.

98. **Mr. Abdelaziz** (Egypt), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution. His delegation was opposed to all country-specific resolutions without

distinction, and even despite the fact that Canada had voted against the draft resolution contained in document A/C.3/61/L.13/Rev.1, on the human rights situation arising from the recent Israeli military operations in Lebanon. The only case that required the specific attention of the Human Rights Council, the Third Committee or the General Assembly was that of the systematic violation of human rights in occupied Arab territories in Palestine, Syria and Lebanon. In that case, far from interfering in the internal affairs of States, the United Nations would be protecting an occupied population from the occupying Power until that population was able to exercise its inalienable right to self-determination.

99. **Mr. Jokinen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate country the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Iceland, Liechtenstein, Moldova, Norway and Ukraine, pointed out that draft resolution A/C.3/61/L.43 had been submitted by the Islamic Republic of Iran after Canada, together with a large number of sponsors, had submitted draft resolution A/C.3/61/L.41, on the situation of human rights in the Islamic Republic of Iran. The two draft resolutions lent themselves to interesting comparisons. The draft resolution on the situation of human rights in the Islamic Republic of Iran built on previous resolutions adopted by the General Assembly and the Commission on Human Rights. The text drew attention to the persistence of grave and systematic human rights violations such as the use of torture and cruel, inhuman or degrading treatment or punishment, including public executions and the issuing of sentences of stoning, as well as discrimination against women and ethnic and religious minorities. All of those violations were well documented.

100. **Ms. Hastaie** (Islamic Republic of Iran), speaking on a point of order, said that the representative of the European Union was referring to a resolution that had already been decided and closed.

101. **The Chairman** invited the representative of Finland to proceed with his statement.

102. **Mr. Jokinen** (Finland) said that the text of the draft resolution on the situation of indigenous peoples and immigrants in Canada was of a different nature. Even the most cursory review of the sources used revealed the selective and misleading nature of the quotations. What the reading of those sources did affirm, however, was Canada's extensive dialogue with a great variety of human rights mechanisms as well as its impressive commitment to take into account and implement the recommendations received from them. The disparity between the two texts and their authors was glaring. The European Union would vote against the draft resolution.

103. **Mr. Al Saif** (Kuwait) said that his delegation was opposed to all country-specific resolutions. Accordingly, Kuwait would vote against the draft resolution on the situation of indigenous peoples and immigrants in Canada (A/C.3/61/L.43), just as it had voted against the draft resolution on the situation of human rights in the Islamic Republic of Iran (A/C.3/61/L.41).

104. **Mr. Benmehidi** (Algeria) said that country-specific resolutions created an atmosphere of confrontation that did not help the cause of human rights. The universal periodic review mechanism developed by the Human Rights Council was the appropriate one for examining the human rights situation in all countries without exception. His delegation would vote against the draft resolution.

105. *A recorded vote was taken on draft resolution A/C.3/61/L.43.*

In favour:

Belarus, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Myanmar, Syrian Arab Republic.

Against:

Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico,

Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Antigua and Barbuda, Bahrain, Barbados, Belize, Benin, Brunei Darussalam, Burkina Faso, Cameroon, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Ecuador, Eritrea, Ethiopia, Ghana, Guinea, Guinea-Bissau, Guyana, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mozambique, Namibia, Nepal, Niger, Pakistan, Papua New Guinea, Philippines, Qatar, Samoa, Saudi Arabia, Singapore, South Africa, Suriname, Swaziland, Thailand, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

106. *Draft resolution A/C.3/61/L.43 was rejected by 107 votes to 6, with 49 abstentions.*

107. **Mr. Liu** Zhenmin (China) said that his delegation was concerned about the human rights violations mentioned in the draft resolution and hoped that the Government of Canada would comply with its obligations under human rights conventions and take measures further to improve its human rights situation, especially that of immigrants and indigenous peoples. His delegation was opposed to the practice of submitting country-specific resolutions on human rights issues and had therefore abstained from voting on the draft resolution.

108. **Ms. Escobar** (Bolivarian Republic of Venezuela) said that her delegation had voted against the draft resolution because of its opposition to the practice of submitting country-specific resolutions.

109. **Mr. Saeed** (Sudan) said that although his delegation agreed with the contents of the draft resolution, it had abstained from voting because of its position of rejecting all country-specific resolutions.

110. **Mr. Maia** (Brazil) said that only the universal periodic review mechanism would allow the United Nations to examine in a truly comprehensive manner the situation of human rights in all countries of the world without selectivity or politicization. Country-specific resolutions should be adopted only in extremely serious cases. His delegation had voted against the draft resolution because the text did not reflect in a balanced manner the situation of indigenous peoples and immigrants in Canada. The draft generally reproduced recommendations of treaty bodies to which Canada was a party and of special procedures which had visited the country in the context of the standing invitation extended by Canada. Canada had demonstrated its willingness to cooperate with the international human rights system.

111. **Mr. Ballestero** (Costa Rica) said that his delegation had abstained from voting because the issues raised by the draft resolution should be addressed by the Human Rights Council. He had noted with interest the statement made by the representative of Canada, and he supported that Government's efforts to continue resolving pending human rights issues. Costa Rica had no problem with the concept of country-specific resolutions, but felt that the Human Rights Council should take the lead in dealing with those issues.

112. **Mr. Vohidov** (Uzbekistan) said that his delegation had voted against the draft resolution because of its principled position against country-specific resolutions, which should be examined first and foremost by the Human Rights Council. He wished to draw attention to the fact that the last two resolutions, on human rights in the United States and Canada, showed that the time had come for an end to impunity for those countries.

113. **Mr. Chidyausiku** (Zimbabwe) said that his delegation had abstained from voting because it was opposed to the practice of submitting country-specific draft resolutions.

The meeting rose at 6.20 p.m.

United Nations A/C.3/61/SR.53

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Chairman: Mr. Al Bayati. . . . . (Iraq)

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Agenda item 68: Report of the Human Rights Council (*continued*)

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06-63059 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 67: Promotion and protection of human rights (*continued*) (A/61/36)

1. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the United Nations High Commissioner for Human Rights (A/61/36).

2. *It was so decided.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/61/L.34)

Draft resolution A/C.3/61/L.34: The right to development

3. **Mr. Khane** (Secretary of the Committee) said that China had joined the sponsors of the draft resolution. With regard to paragraphs 2, 3 and 30 of the draft resolution, the Secretary-General, in his report to the sixty-first session of the General Assembly on the "Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first session and its first and second special sessions in 2006 (A/61/530)", had informed the General Assembly that provisions already existed in the programme budget for the biennium 2006-2007 for the Working Group to meet for a period of five working days per year to implement Human Rights Council resolution 1/4 in the following way: under section 2, General Assembly and Economic and Social Council affairs and conference management, for conference-servicing costs, $360,600; under section 23, Human rights, for travel and daily subsistence allowance requirements, $110,800; and under section 28E, Administration, Geneva for conference support costs, $6,600. Since the combined duration of the task force meeting and the Working Group session was 10 days, no additional appropriation was required in response to the resolution. Were the Working Group to meet for additional periods, additional travel requirements might arise under section 23, Human rights. The Secretariat would to the extent possible absorb within existing resources the requirements of the Group. Hence, no additional appropriations would be required.

4. **Mr. Amorós Núñez** (Cuba) said that despite intensive consultations, it had not been possible to arrive at a text supported by the overwhelming majority of Member States, as the specific priorities of the Non-Aligned Movement had not been sufficiently addressed and accommodated by other delegations. The draft resolution was intended to provide guidance for the Working Group on the Right to Development of the Human Rights Council and the task force. It seemed, however, that the commitment to the right to development was not shared by other delegations.

5. There were a number of revisions to the draft resolution. The eighth preambular paragraph should be replaced by the following: "Expressing concern over the suspension of the trade negotiations of the World Trade Organization, and stressing the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,". In paragraph 2, the words "Emphasizes the importance" should be replaced by the words "Recognizes the relevance", and the words "for a period of one year" and "for a period of five working days" should be deleted. In the third paragraph, the word "Endorses" should be replaced by "Recognizes also the relevance of", and the words "for a period of five working days" in the second line should be deleted. In paragraph 4 (a), the words "act to ensure that its agenda" should be deleted, and the words "promotes and advances" should be corrected accordingly to read "promote and advance". In paragraph 7 (d), the words "further consideration of" should be inserted after the word "through" in the second line. In paragraph 8, the word "Reaffirms" should be replaced by the words "Recognizes the relevance of", and the words "particularly the submission of a concept document establishing options for the implementation of the right to development and their feasibility, inter alia, an international legal standard of a binding nature" should be deleted. In paragraph 27, the following words should be inserted at the beginning of the paragraph: "Welcomes the Declaration of Commitment on HIV/AIDS adopted at the High-Level Meeting of the General Assembly on 2 June 2006 and". In paragraph 31, the word "next" should be inserted before the word "report" in the last line. The words "at its fourth session" should be deleted from paragraphs 31 and 34.

The meeting was suspended at 10.35 p.m. and resumed at 10.50 p.m.

6. **Mr. Ceinos-Cox** (United States of America), speaking in explanation of vote before the voting, said that his delegation opposed the draft resolution and would request a vote on its consideration. His Government understood the right to development to mean that individuals should enjoy the right to develop their intellectual and other capabilities to the extent possible, through the exercise of the full range of civil and political rights. The text contained several of the same initiatives that his delegation had found objectionable in years past, such as asking the task force and Working Group on the right to development to consider a legally binding instrument on that right. His delegation would continue in its long-standing commitment to international development and, as a major objective of its foreign policy, would continue to help nations achieve sustainable economic growth. He did not believe that the draft resolution helped to forward those goals, and would thus vote against it and encourage others to do the same.

7. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, reiterated the Union's firm commitment to the right to development, which should be addressed with as broad a consensus as possible. It had adopted a constructive approach and made a number of proposals on the draft in the ongoing negotiations. Regretfully, no agreement could be reached with the main sponsor on the issue of the mandate of the Working Group on the right to development. That right was inextricably linked to other rights and it was the primary responsibility of States to ensure conditions conducive to its enjoyment. A legally binding international instrument was not a viable option; other options that would favour international cooperation in development should be explored instead. While the European Union had voted in favour of drafts on the right to development in the past, he regretted that it would vote against the one under consideration.

8. *A recorded vote was taken on draft resolution A/C.3/61/L.34, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Bosnia and Herzegovina.

9. *Draft resolution A/C3/61/L.34, as orally revised, was adopted by 126 votes to 51, with 1 abstention.*

10. **Mr. Takase** (Japan) said that it was the primary obligation of the State to realize the right to

development. Attempting to realize that right through a convention, as envisaged in paragraph 7 of draft resolution L.34, would only make it more difficult for States to fulfil that obligation. For that reason, he had voted against the draft.

11. **Mr. Binette** (Canada) said that the Working Group had been successful in building consensus on difficult issues. However, he was deeply concerned that the draft resolution undermined that spirit of consensus. It drew language directly from the summit of the Non-Aligned Movement, where only one group of States had been represented. A proposed legally binding instrument on the right to development was also of concern, it did not enjoy international consensus. Existing practices should be strengthened rather than new obligations created. His delegation had thus voted against the draft resolution.

12. **Mr. Ballestero** (Costa Rica) said that his delegation had voted in favour of the draft resolution, and deplored the divisive pattern of voting. Paragraph 7 (d), as orally revised, seemed significantly improved; it no longer called directly for the elaboration of a convention, but invited "further consideration" of one as a means to advance the right to development.

13. **Mr. Amorós Núñez** (Cuba) emphasized that the draft resolution was significant for the Non-Aligned Movement, which had sought broad support and held many consultations. He hoped for different voting results and increased support to that right in the future.

14. **The Chairman** drew attention to a letter dated 22 November 2006 from the President of the General Assembly addressed to the Chairman of the Third Committee stating that, at the 57th plenary meeting of the sixty-first session of the General Assembly, the Assembly had decided also to consider, directly in plenary meeting, agenda item 67 (b), for the sole purpose of taking action during the main part of the sixty-first session on the draft convention on the rights of persons with disabilities, which was expected to be completed in early December by the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and recommended for adoption in its report.

15. He suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the following documents: report of the Secretary-General on the right to development (A/61/211); note by the Secretary-General transmitting the report on the protection of human rights and fundamental freedoms while countering terrorism (A/61/267); report of the Secretary-General on human rights and unilateral coercive measures (A/61/287); report of the Secretary-General on the question of enforced or involuntary disappearances (A/61/289); note by the Secretary-General transmitting the report on human rights defenders (A/61/312); report of the Secretary-General on combating defamation of religions (A/61/325); note by the Secretary-General transmitting the report on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/61/338); note by the Secretary-General transmitting the report on the elimination of all forms of religious intolerance (A/61/340); report of the Secretary-General on the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region (A/61/348); note by the Secretary-General transmitting the report on civil and political rights, including the questions of independence of the judiciary, administration of justice, impunity (A/61/384); note by the Secretary-General transmitting the report on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (A/61/464); note by the Secretary-General transmitting the report on human rights and extreme poverty (A/61/465) and the report of the Secretary-General on missing persons (A/61/476).

16. *It was so decided.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/61/276, 360, 374, 369/Corr.1, 469, 470 and Corr.1, 475, 489, 526)

17. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human rights of internally displaced persons (A/61/276); note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi (A/61/360); note by the Secretary-General transmitting the report of the United Nations Commissioner for Human Rights on the human rights situation and the activities of her Office, including

technical cooperation, in Nepal (A/61/374); note by the Secretary-General on the situation of human rights in Myanmar (A/61/369/Corr.1); note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Sudan (A/61/469); note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/61/470 and A/61/470/Corr.1); note by the Secretariat transmitting the progress report by the independent expert on the situation of human rights in the Democratic Republic of the Congo (A/61/475); report of the Secretary-General on the situation of human rights in Turkmenistan (A/61/489); report of the Secretary-General on the situation of human rights in Uzbekistan (A/61/526).

18. *It was so decided.*

19. **Mr. Amorós Núñez** (Cuba) said that all statements by Non-Aligned Movement delegations under the present agenda item had been made in accordance with a mandate given by the Movement with regard to human rights. Concerning draft resolution A/C.3/61/L.43, entitled Situation of indigenous peoples and immigrants in Canada, his Government's recorded vote did not reflect a position on the substance of the resolution. Country-specific resolutions were not the best means of promoting and protecting human rights within the United Nations. His delegation's vote in favour of the resolution was in keeping with the systematic support given by Canada to successive resolutions against Cuba submitted by the United States of America. It reiterated its resolve to act within a framework of dialogue and cooperation and end the practice of submitting country-specific resolutions within the United Nations system.

(a) Implementation of human rights instruments

20. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/61/48); report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/61/226); note by the Secretary-General transmitting the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/61/259); report of the Secretary-General on the Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/61/279); report of the Secretary-General on the Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/61/354); note by the Secretary-General transmitting the report of the chairpersons of the human rights treaty bodies on their eighteenth meeting (A/61/385).

21. *It was so decided.*

Agenda item 68: Report of the Human Rights Council (*continued*)

Draft resolution A/C.3/61/L.18/Rev.1: Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

22. **The Chairman** drew attention to the proposed amendments to the draft resolution contained in document A/C.3/61/L.57/Rev.1. The draft resolution contained no programme budget implications.

23. **Mr. Chávez Basagoitia** (Peru), speaking on behalf of the original sponsors and Albania, Andorra, Austria, Belgium, Bolivia, Dominica, Malta, Moldova, Montenegro and Serbia, said that the first preambular paragraph of draft resolution A/C.3/61/L.18/Rev.1 had been revised to address concerns expressed by a number of delegations over the principles of self-determination of peoples and respect for the territorial integrity of States. The proposed amendment made the objective of the United Nations Declaration on the Rights of Indigenous Peoples clear. The Declaration was paving the way for a sound and stable relationship between indigenous peoples and States. The third preambular paragraph recognized that the situation of indigenous peoples worldwide was not uniform. Therefore, the Declaration should take into consideration the specific situation of each indigenous people in every nation. Paragraph 1 had also been amended to express appreciation to the Working Group of the Commission on Human Rights for its work on a draft declaration on the rights of indigenous peoples.

24. **The Chairman** invited the Committee to take action on the proposed amendments to the draft resolution.

25. **Mr. Mbuende** (Namibia), speaking on behalf of the African Group, said that the Group recognized the

urgent need to address the situation of indigenous peoples and marginalized groups in all societies. However, some of the provisions of the Declaration contradicted the national constitutions of a number of African countries, the African Group had been unable to adopt it in its present form. It therefore requested that action on the Declaration should be deferred to allow time for further consultations. For that reason, it had submitted amendments to draft resolution A/C.3/61/L.18/Rev.1, which were contained in document A/C.3/61/L.57/Rev.1. He urged all delegations to support the amendments in a spirit of dialogue and inclusiveness.

26. **Mr. Chávez Basagoitia** (Peru) said that the proposed amendments to the draft resolution ran counter to the central spirit of the proposals put forward in the draft, namely the immediate adoption of the Declaration. He regretted that his delegation would have to request a vote on the proposed amendments. They came as a surprise, as the African Group had expressed its concurrence with and full support for the Declaration at the Human Rights Council and had appealed to some States to withdraw their reservations so that it might be adopted by consensus. His delegation had made sincere efforts to allay any remaining concerns in the revised version of the draft resolution. The resolution enjoyed legitimacy owing to the broad participation of indigenous peoples in its drafting. There was no reason to defer taking a decision on the matter after 24 years of work had gone into it. Therefore, a no-action motion on the adoption of the Declaration did not make any sense. The time had come for States openly to express their views on the Declaration. His delegation would vote against the proposed amendments.

27. **Mr. Mbuende** (Namibia), speaking on behalf of the African Group, said that the proposed amendments applied to the draft resolution and not to the Declaration. It would be difficult for the African Group to adopt a Declaration which contradicted national constitutions and which members would not be able to honour. With respect to the statement made by the African Group on the Declaration at the Human Rights Council, of the 14 African States members of the Council, 10 had abstained from voting on the Declaration. The Committee should interpret those abstentions as a clear message to that effect. His delegation requested that the adoption of the Declaration should be deferred in the interest of arriving at an instrument which all members could implement.

28. **Mr. Abdelaziz** (Egypt) said that the Declaration could have been adopted by consensus if the item had been left on the Human Rights Council agenda for 2007. The Council had exceeded its authority by proposing a draft resolution for adoption by the General Assembly. There was a need for more time and further discussion with the wider membership of the United Nations.

29. **Mr. Berruga** (Mexico) said that the request for more time to consider the Declaration seemed strange given that the issue had been under discussion for many years. What was being deferred was the attention that the rights of indigenous peoples should be paid. There were a number of other international instruments such as the 2005 World Summit Outcome, the Beijing Declaration and the Durban Declaration and Programme of Action, which called for the protection and promotion of the rights of indigenous peoples. The time had come for all such commitments in support of indigenous peoples to be carried out. The safeguards contained in the draft resolution should enable any Member State to respect the needs of indigenous peoples in keeping with its own legislation. Therefore, his delegation would vote against the amendments submitted. A no-action motion would jeopardize the viability of the Declaration and send a signal to the international community that the Committee was unable to act in such an important area.

30. **Ms. Taracena** (Guatemala) said that her delegation supported the statements by Peru and Mexico. She encouraged all delegations that were committed to the protection and promotion of the human rights of indigenous peoples to vote against the proposed amendments. The amendments would undermine the efforts made over the years by postponing the adoption of the Declaration, which would not necessarily result in an improvement of the Declaration. Therefore, her delegation called on members to vote against the amendments and to vote in favour of the draft resolution.

31. **The Chairman** said that a recorded vote had been requested on the proposed amendments to draft resolution L.18/Rev.1.

32. **Mr. Rodas Suárez** (Bolivia) said that the draft declaration was a positive step towards fully recognizing the rights of indigenous peoples and

promoting diversity among all peoples. That was especially important to Bolivia, since indigenous peoples made up 60 per cent of its population. The adoption of the declaration by the United Nations General Assembly would recognize both the work of the Human Rights Council at its first meeting in Geneva and the time invested by many people concerned about the future of minorities, particularly that of indigenous peoples. For all those reasons, he would vote against the amendments to the draft resolution.

33. **Mr. Jokinen** (Finland), speaking on behalf of the European Union; the acceding countries Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Liechtenstein and Moldova, said that he considered the declaration the best achievable outcome of a thorough and open work process, in that it put Governments and indigenous peoples on an equal footing. It was time to adopt the draft Declaration as it was, thus ensuring the rights and continued development of indigenous peoples around the world.

34. The proposed amendments to the draft resolution would result in unnecessary delay in adopting the draft Declaration. The European Union would therefore vote against the amendments to the draft resolution, and urged other delegations to do likewise.

35. **Mr. Rokolaqa** (Fiji) said that he firmly believed that the draft Declaration, based on international values, was essential for the survival, dignity and well-being of indigenous peoples. Therefore, any move to delay its adoption would prolong the suffering of the very peoples whose rights it was intended to promote and protect. Postponing its adoption could also jeopardize the work already done and thus delay the production of a final draft.

36. The Human Rights Council had endorsed the draft Declaration; therefore, any attempt to reopen the draft for negotiation would undermine the credibility of the Human Rights Council. His delegation regarded any vote in favour of the amendments to the draft resolution as a vote for a no-action motion; accordingly, he would vote against the amendments to the draft resolution and appealed to all delegations to do the same.

37. **Ms. Banks** (New Zealand) said that she supported the proposed amendments. Her delegation firmly believed that the draft Declaration was fundamentally flawed and the product of a deeply unsatisfactory process, with the text becoming open for discussion only four years previously. Instead, New Zealand wished to see a declaration on indigenous rights that could be held up as a standard of achievement for all States. Acting on a human rights instrument in the context of widespread and deeply felt reservations would be counterproductive. On the other hand, a vote in favour of the proposed amendments, in a spirit of dialogue and inclusivity, held out the opportunity of finding consensus among States which would make a real difference in the lives of indigenous peoples.

38. **Mr. Labbé** (Chile) said that he would vote against the proposed amendments for reasons of solidarity with Chile's indigenous peoples, with the Latin American community and with civil society, which saw the Declaration as an instrument for advancing the rights of indigenous peoples. The main legal justification for voting against the amendments was the lack of participation by indigenous people in formulating them.

39. He aligned himself with the Peruvian delegation's statement that the declaration was not perfect and would perhaps never be perfect. International law provided mechanisms that allowed States to interpret provisions as they saw fit; Chile would make use of those mechanisms in the future.

40. **Mr. Aksen** (Turkey) said that he regretted the failure to reach a wider consensus on the text of the Declaration due to the fact that serious concerns, raised mainly by States with large indigenous populations, had not been fully taken into account. It would have been preferable to adopt a text that had not been voted on at the Human Rights Council. For those reasons, he would vote in favour of the amendments to the draft resolution.

41. **Ms. Nassau** (Australia) said that despite efforts within the Inter-Governmental Working Group on the draft Declaration, her delegation continued to hold substantive concerns about the Declaration in its current form, many of which had been expressed in the Third Committee earlier in the session. In addition, it had consistently expressed concern that States had not had an opportunity formally to respond to the text

before its adoption by the Human Rights Council. Her delegation wished to see a declaration with universal support that provided States and indigenous peoples with a blueprint for harmonious and constructive relationships and that was clear, transparent and capable of implementation; it would therefore vote in favour of the amendments to the draft resolution.

42. **Mr. Bouman** (Canada) said that the concerns of Member States and other interested parties should be addressed before the Declaration was adopted. His delegation would therefore vote for the amendments to the draft resolution and urged others to do the same.

43. **Mr. Nikiforov** (Russian Federation) said that he had supported the Declaration from the beginning and considered its adoption by consensus an important step towards ensuring indigenous peoples' rights. The amendments to the draft resolution were justified insofar as they would allow the States to reach that consensus; he would therefore vote in favour of them.

44. **Mr. Suárez** (Colombia) said that he recognized the importance of adopting the draft Declaration. However, consensus was crucial to ensuring that the declaration would be implemented in the various States according to international standards. Colombia's commitment to indigenous communities remained intact and it was hoped that the delegations would overcome the current obstacles to consensus. He would therefore vote in favour of the amendments.

45. **Mr. Jølle** (Norway) said that he had supported the Declaration and the related work of the previous 24 years; he would therefore vote for the amendments contained in draft resolution A/C.3/61/L.57/Rev.1.

46. *At the request of the representative of Peru, a recorded vote was taken on draft resolution A/C.3/61/L.57/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Australia, Bahamas, Bahrain, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Kazakhstan, Kenya, Kiribati, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Micronesia (Federated States of), Morocco, Mozambique, Myanmar, Namibia, New Zealand, Niger, Nigeria, Oman, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, Nauru, Netherlands, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining:

Antigua and Barbuda, Azerbaijan, Bangladesh, Barbados, Bhutan, China, Georgia, India, Israel, Japan, Jordan, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Sri Lanka, Tonga, Trinidad and Tobago, Ukraine, United States of America, Vanuatu, Venezuela (Bolivarian Republic of).

47. *The amendments to draft resolution A/C.3/61/L.18/Rev.1, contained in document A/C.3/61/L.57/Rev.1, were adopted by 82 votes to 67, with 25 abstentions.*

48. **Mr. Anshor** (Indonesia) said that although he had supported the draft Declaration when voted on in the Human Rights Council, he had voted in favour of the proposed amendments because it was important for Member States to have the opportunity to hold further consultations prior to the end of the sixty-first session of the General Assembly.

49. Recalling that the draft Declaration had been adopted by the Human Rights Council, a body of just 47 States, he stressed that every Member State should take part in the final decision-making process, thus giving the Declaration wide acceptance and legitimacy.

50. **Ms. Bowen** (Jamaica) said that she had supported the proposed amendments because, although the Declaration was extremely important, she found some of its aspects to be problematic. One was the absence of a clear definition of the term "indigenous peoples". In allowing for self-description, the Declaration opened the possibility for any minority group to assert specific rights. Another concern was the extension of the right of self-determination to minority groups, which undermined States' stability and territorial integrity.

51. **Mr. Pekarchuk** (Ukraine) said that he thought it necessary to continue consultations and work on the text of the Declaration. Furthermore, he believed that amending the substance of decisions already adopted by the Human Rights Council might create an undesirable precedent and thus undermine the work of the Human Rights Council. He had therefore abstained from voting.

52. **Mr. Bouman** (Canada) said that he was prepared to work with all delegations to establish an open and transparent process for consultations, which should include the participation by indigenous peoples. The draft resolution should be used as a basis for that process, which should be time-limited, with the resulting text to be adopted by the end of the sixty-first session.

53. **Mr. Talbot** (Guyana) said that he had voted in favour of the proposed amendments, which represented a reasonable request with regard to such an important matter. However, the text had raised concerns by a significant number of Member States, which should be dealt with in a well-defined time frame, as set out in the proposed amendments. He intended to work together with all delegations constructively in seeking to address those concerns, some of which he shared, including that of self-determination.

54. **Mr. Babadoudou** (Benin) said that, although it had sponsored the Declaration, his delegation had voted for the proposed amendments in the hope that delegations would thus be able to reach an agreement. It was of the utmost importance to establish a framework for further consultations on the Declaration which would allow for its rapid adoption.

55. **Mr. Outlule** (Botswana) said that Botswana was not hostile to the Declaration, since it represented a large number of indigenous peoples. However, he believed that the amendments were reasonable requests made in good faith and had therefore voted in favour of them. He now looked forward to working with other Member States to achieve a document that would enjoy universal support.

56. **Mr. Kyaw Tint Swe** (Myanmar) said that Myanmar had always supported the right of self-determination of peoples under colonial rule, and accepted the right of all peoples under colonial domination to gain national independence. It could not accept any other interpretation of that right. The right of self-determination of national races living in a sovereign State was strictly governed by the laws of that country.

57. **Mr. Al Saif** (Kuwait) said that the objective of any declaration was its effective application. In light of the absence of a definition of "indigenous peoples" in the draft Declaration in question and the lack of time for further consultations, he failed to see how his country would be able to apply such a declaration; therefore, he had voted for the amendments delaying its adoption.

58. **Mr. Olago Owuor** (Kenya) said that his delegation was opposed to the Declaration as presented. First of all, the lack of a definition of "indigenous peoples" put Kenya at significant risk, as any group could claim the right of self-determination. The use of the term "self-determination" could apply only to countries under colonial rule. In addition, land and property rights were defined in Kenya's Constitution, and his delegation had found many contradictions between Kenya's Constitution and the draft Declaration. He had therefore supported the amendments.

59. **Ms. Mballa Eyenga** (Cameroon) said that Cameroon attached great importance to the protection and promotion of human rights, and had therefore supported the draft Declaration and become a sponsor of the related draft resolution. Although negotiations had not yet resulted in a text that was acceptable to all, she continued to hope that the Declaration would in time receive universal support and be adopted by consensus. With that in mind, she had voted in favour of the amendments.

60. **Mr. Biaboroh-Iboro** (Congo) said that his delegation looked forward to the adoption of the draft Declaration, within a clearly established and appropriate time frame and by consensus.

61. **Mr. Nyamulinda** (Rwanda) said that his country recognized the rights of indigenous peoples within the overall context of respect for human rights. However, the concept of self-determination and the establishment of political, social and economic mechanisms as outlined in the draft Declaration ran counter to the notion of integrating indigenous peoples into society. The creation of social, economic and cultural policies specific to such groups was likely to be a divisive factor that would isolate them, and encouraging them to establish their own institutions and systems alongside central authorities and institutions would weaken the State as a whole and hinder the recovery of States emerging from conflict situations. Such an environment would result in their marginalization.

62. **Mr. Suárez** (Colombia) said that his delegation regarded the adoption of the proposed amendments to draft resolution A/C.3/61/L.18/Rev.1 as an opportunity for States to reach consensus on the draft Declaration. Colombia was committed to protecting the rights of indigenous peoples, and, to that end, had developed and established a number of public policies to address the specific needs and priorities of indigenous communities, based on the results of close cooperation with those communities on a broad range of issues. The draft Declaration must take into account the views and ideas expressed by indigenous communities, and it was vital to ensure that consensus on that document was achieved on the basis of their participation in consultations and within the established time frame.

63 **The Chairman** invited the Committee to take action on A/C.3/61/L.18/Rev.1 as a whole, as amended.

64. **Mr. Khane** (Secretary of the Committee), drawing attention to new paragraph 3 of A/C.3/61/L.18/Rev.1, said that the words "contained in the annex to the present resolution" should be inserted after the word "Declaration". He announced that Albania, Andorra, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Cameroon, Congo, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominica, the Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Moldova, Panama, Paraguay, Peru, Portugal, Serbia, Slovenia, Spain, Switzerland and the former Yugoslav Republic of Macedonia were withdrawing their sponsorship of draft resolution A/C.3/61/L.18/Rev.1 as amended and orally corrected, and that Algeria, Angola, Botswana, Burkina Faso, Burundi, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Guinea, Guinea-Bissau, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritania, Morocco, Mozambique, Namibia, Nigeria, the Sudan, Swaziland, Togo, Tunisia, the United Republic of Tanzania and Zimbabwe wished to sponsor the draft resolution.

65. **Mr. Chávez Basagoitia** (Peru), speaking in explanation of vote before the voting, said that, while his delegation remained willing to engage in dialogue, it was unable to support the revised draft resolution, which was severely restricted in that it did not provide for the participation of indigenous groups. His delegation would therefore abstain from voting, and encouraged other sponsors to do likewise.

66. **Mr. Labbé** (Chile) said that his delegation would abstain from voting, since it was unable to support a consultative process that did not provide for the participation of indigenous peoples.

67. **Ms. Moreira** (Ecuador), endorsing the statement made by the representative of Chile, said that it was regrettable that the Third Committee had not adopted the draft Declaration. Her delegation would abstain from voting, in solidarity with other delegations that had withdrawn their sponsorship of the draft resolution.

68. **Mr. Skinner-Klée** (Guatemala) said that his delegation regretted that the Third Committee had not adopted the original version of the draft resolution. While his delegation remained willing to engage in open dialogue on the draft Declaration, that dialogue should be inclusive and transparent. Since the participation of indigenous groups in such dialogue before the end of the sixty-first session of the General Assembly appeared unlikely, his delegation would abstain from voting on the draft resolution.

69. **Mr. Rodas Suárez** (Bolivia) said it was regrettable that the revised draft resolution excluded indigenous peoples from dialogue on the draft Declaration, of which they were the key protagonists and beneficiaries. His delegation would therefore abstain from voting, in solidarity with his country's indigenous peoples.

70. **Ms. Pi** (Uruguay) said that her delegation was deeply disappointed that the draft resolution had been amended. While it supported the draft Declaration, it would abstain from voting on the draft resolution, since there was no clarity regarding the form that consultations would take, and the time frame established in new paragraph 3 did not necessarily mean that the Declaration would be adopted by the end of the sixty-first session of the General Assembly. In that regard, it was difficult to understand why there was now a further delay in the adoption of the Declaration.

71. **Mr. Mbuende** (Namibia) thanked those delegations that had supported the proposed amendments to the draft resolution, and said that, while the form of the consultative process was not defined in the draft resolution, all ideas and suggestions were welcome. The aim of the draft resolution was not to cut the consultative process short, but to ensure that there was sufficient time to ensure the involvement and input of all interested parties with a view to achieving consensus. To that end, the consultative process should begin immediately following adoption of the draft resolution.

72. **Mr. Solórzano** (Nicaragua) said that his delegation would abstain from voting, since the amended text of the draft resolution failed to provide for the participation of indigenous peoples in consultations.

73. *At the request of the representative of Peru, a recorded vote was taken.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Australia, Bahamas, Bahrain, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Jamaica, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, New Zealand, Niger, Nigeria, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Albania, Andorra, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Marshall Islands, Mexico, Moldova, Monaco, Montenegro, Nauru, Nepal, Netherlands, Nicaragua, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

74. *Draft resolution A/C.3/61/L.18/Rev.1 as a whole, as amended and orally corrected, was adopted, by 83 votes to none, with 91 abstentions.*

75. **Ms. Banzon-Abalos** (Philippines) said that her delegation had been prepared to support the immediate adoption of the draft Declaration on the understanding that the right to self-determination must not be construed as authorizing or encouraging any action that would impair totally or in part the territorial integrity or political unity of any sovereign or independent State with a Government representative of all persons belonging to its territory, and that ownership of land and natural resources was vested in the State. However, it had abstained from voting on the amended draft

resolution, since it would have preferred the immediate consideration of the draft Declaration as a tool for catalysing concrete global action to promote the rights of indigenous peoples.

76. **Mr. Jokinen** (Finland), speaking on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and the former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia, and, in addition, Liechtenstein and Moldova, said that the European Union regretted that it had not been possible to find a common ground on the draft resolution. The draft United Nations Declaration on the Rights of Indigenous Peoples was the best achievable outcome of a thorough and open process of work that reflected the wide-ranging discussions of more than 20 years. The European Union valued highly the inclusiveness of that unique standard-setting process, whereby Governments and indigenous peoples themselves had been involved on an equal footing, yet the amendments to document A/C.3/61/L.18/Rev.1 appeared to disregard the value of that process. Contrary to the recommendations of the Human Rights Council, the amendments paved way for further delay in adopting the draft Declaration, which would be a valuable addition to existing United Nations mechanisms for the promotion and protection of the rights of indigenous peoples worldwide and their continued development.

77. **Mr. Takase** (Japan) said that his Government attached great importance to the protection and promotion of the rights of indigenous people, and supported the early adoption of the draft Declaration. It was therefore disappointing that the Committee had deferred action on that instrument. However, the amendments to document A/C.3/61/L.18/Rev.1 were valuable in that they would facilitate consensus, and his delegation would participate actively in further negotiations with a view to achieving the broadest possible consensus within the established time frame.

78. **Ms. Olivera** (Mexico) said that her delegation had abstained from voting because the revised text of document A/C.3/61/L.18/Rev.1 did not provide for the involvement of indigenous peoples in consultations and lacked clarity regarding the form that those consultations should take. Furthermore, it failed to guarantee or establish a time frame for the adoption of the draft Declaration. However, her delegation understood new paragraph 3 as implying that the General Assembly would adopt the draft Declaration before its following session. In that regard, it was to be hoped that Member States would refrain from using further delaying tactics to defer its adoption.

79. **Ms. Tawfiq** (Iraq), welcoming the adoption of the draft resolution, said that her delegation supported the draft United Nations Declaration on the Rights of Indigenous Peoples as the fruit of efforts over more than two decades. However, she drew attention to her country's reservations on articles 4 and 26 and on the right of indigenous peoples to exploit subsoil resources when such exploitation violated the rights of the State. In that regard, her delegation looked forward to reaching agreement on those issues during further negotiations before the end of the sixty-first session of the General Assembly.

80. **Ms. Escobar-Gómez** (Bolivarian Republic of Venezuela) said that her country applied a broad and comprehensive approach to the rights of indigenous peoples, recognizing not only the right of those peoples to ownership of their traditional lands but also a number of special collective and individual rights, and, in addition, had adapted its public services structure to provide for their specific needs. The adoption of the draft Declaration would serve as a source of inspiration and guidance for those countries seeking to make significant progress in promoting and protecting the rights of their indigenous communities.

81. **Mr. Amorós Núñez** (Cuba) said that his delegation reaffirmed its commitment to the promotion and protection of the rights of indigenous peoples and would continue to participate actively in the relevant human rights forums and consultations with a view to the adoption of the draft Declaration at the earliest opportunity. In that regard, it would support all efforts to ensure that the opinions of indigenous communities were taken into account.

82. **Ms. Maierá** (Brazil) said it was regrettable that the Committee had not adopted the draft Declaration, which her Government supported as a reaffirmation of the commitment of the international community to ensuring the enjoyment by indigenous peoples of all human rights and fundamental freedoms and to respecting the value and diversity of their cultures and identities.

The meeting rose at 1.20 p.m.